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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---|------------------|
| 09/617,068 | 07/16/2000 | Thomas Schwalbe | CELL0017 | 7221 |
| <div>7590 12/12/2007 LAW OFFICES OF RONAL M. ANDERSON 600 108th STREET SUITE 507 BELLEVUE, WA 98004</div> | | | <div>EXAMINER LEVKOVICH, NATALIA A</div> <div>ART UNIT 1797</div> <div>PAPER NUMBER</div> | |
| | | | <div>MAIL DATE 12/12/2007</div> <div>DELIVERY MODE PAPER</div> | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/617,068

Applicant(s)

SCHWALBE ET AL.

Examiner

Natalia Levkovich

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-19 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-4, 6-19 and 28-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

/Election/Restrictions

1. Upon further consideration and in light of the latest amendments, the following restriction to one of the following inventions applies under 35 U.S.C. 121:

- I. Claims 1-4 and 6-14, drawn to a reaction system comprising a first reactant supply, a first supply valve, a solvent supply, a reaction module, an output valve coupled to a product collector and a controller connected to the first reactant supply, to the first supply valve and to the product collector, the controller being configured for controlling the first reactant supply and the first supply valve to introduce each reactant required to produce chemical products in a desired order, and for controlling the solvent supply to flush the reactor such that a fluid discharged from the reaction module alternates between one of the different desired chemical products and the solvent containing any residual chemical product;
- II. Claims 15-19, drawn to a reaction system comprising a first fluid supply, a second fluid supply, a reactor, a solvent supply, a fluid collector, a spent solvent reservoir and a controller connected to the first fluid supply, to the second fluid supply, to the solvent supply, to the reactor,

to the spent solvent reservoir and to the fluid collector, the controller being configured for controlling the system such as to introduce each reactant required to produce chemical products in a desired order and for controlling the solvent supply to flush the reactor such that a fluid discharged from the reaction module comprises either one of the different desired chemical products, or the solvent containing any residual chemical product;

- III. Claim 28, drawn to a reaction system comprising a first reactant supply, a first supply valve, a reaction module, an output valve coupled to a product collector, an automated detector disposed between the output valve and the reaction module, and a controller connected to the first reactant supply, to the first supply valve, to the reaction module and to the product collector, the controller being configured for controlling the first supply valve to select the first desired reactant, for controlling the output valve to select a product chamber into which the product is directed, and for responding to the signal from the detector to actuate the output valve such as to selectively couple the reaction module to the product collector and to a spent solvent reservoir;
- IV. Claim 29, drawn to a reaction system comprising a reactor, a first reactant delivery structure, a solvent delivery structure and a controller connected to the first reactant delivery structure and to the solvent delivery structure, the controller being configured for controlling the first

reactant delivery structure to introduce a reactant required to produce a first desired product into the reactor for a period of time sufficient to produce a desired quantity of the first desired product, for controlling the solvent delivery structure to flush the reactor with the solvent after the desired quantity of the first desired product has been produced; and for repeating the previous two steps for each additional reactant required to produce an additional desired product, such that a volume of solvent separates each different desired product discharged from the reactor to produce the substance library of different desired chemical products, such that a flow of fluid discharged from the reactor comprises different desired chemical products separated by the solvent;

- V. Claim 30, drawn to a reaction system comprising a reactor, a first reactant delivery structure, a solvent delivery structure, an output valve, a detector and a controller connected to the first reactant delivery structure, to the solvent delivery structure, to the output valve and to the detector, the controller being configured for controlling the first reactant delivery structure to introduce each reactant required to produce chemical products in a desired order, for controlling the solvent delivery structure to flush the reactor, and for controlling the state of the output valve based on the signal provided by the detector, such that when the signal from the detector indicates that a solvent is being discharged from the reactor module, the output valve is placed in fluid

communication with the spent solvent collection volume, and when the signal from the detector indicates that a solvent is not being discharged from the reactor, the output valve is placed in fluid communication with a product collector.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II III, IV and II are related, but independent and distinct. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the reaction systems, as claimed, have materially different designs and modes of operation; they are not obvious variants, and are not disclosed as being used together.
3. Because these inventions are patentably distinct for the reasons given above, restriction for examination purposes as indicated is proper.

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700